

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ANALOG DEVICES, INC. and HITTITE  
MICROWAVE LLC,

Plaintiffs,

v.

MACOM TECHNOLOGY SOLUTIONS  
HOLDINGS, INC. and MACOM  
TECHNOLOGY SOLUTIONS INC.,

Defendants.

Civil Action No.: 1:18-cv-11028-GAO

**FILED UNDER SEAL**

**ORAL ARGUMENT REQUESTED**

**ANALOG’S MOTION FOR EXPEDITED DISCOVERY AND  
AN EXPEDITED BRIEFING SCHEDULE ON THIS MOTION**

Pursuant to Fed. R. Civ. P. 26(d), Plaintiffs Analog Devices, Inc. and Hittite Microwave LLC (collectively, “Analog”) respectfully move the Court for an order requiring expedited responses from Defendants MACOM Technology Solutions Holdings, Inc. and MACOM Technology Solutions Inc. (collectively, “MACOM”) to the attached two sets of discovery requests, to permit Analog to supplement its Motion for Preliminary Injunction filed concurrently herewith. Because Analog seeks expedited responses to its discovery requests, Analog also requests here that the Court enter an expedited briefing schedule so that MACOM’s opposition to this motion would be due no later than July 6, 2018.

The Court has set an Initial Scheduling Conference on August 6, 2018. Analog expects that at that hearing, the parties will address the scheduling and procedures to resolve its Motion for Preliminary Injunction.

To permit Analog to have a better picture of what MACOM did with Analog's trade secrets, and the stage of ongoing infringement and/or misappropriation in MACOM's new product development (facts uniquely known to MACOM as of now), and as permitted by the Federal Rules, Analog today served the attached First Request for Production of Documents on MACOM. Absent court order, however, those requests are not deemed served until the Rule 26(f) conference, which will not occur until mid-July, with responses to those requests due 30-days thereafter. Analog requests an order requiring expedited responses to those document requests – which are narrowly tailored to issues in its Motion for Preliminary Injunction – so that the parties will be in a better position to discuss with the Court at the August 6, 2018 Initial Scheduling Conference what further discovery might be necessary for resolution of Analog's Motion for Preliminary Injunction, and a schedule for supplemental briefing and hearing of that motion.

Analog also seeks leave to serve the similarly limited set of First Interrogatories attached hereto, and asks for an order requiring MACOM to respond at the same time as MACOM responds to the document requests.

As set forth more fully in Analog's Motion for Preliminary Injunction and the memorandum of law filed in support thereof, MACOM's MAAP-011247 amplifier infringes Analog's U.S. Patent No. 9,425,752, and appears to have been designed and marketed by MACOM based on Analog technical and business trade secrets – secrets brought to MACOM by defecting Analog employees. Expedited and narrowly-targeted discovery is warranted prior to full briefing or a decision on Analog's Motion for Preliminary Injunction, because the evidence is uniquely in MACOM's possession, and it will likely be highly relevant to the scope of injunctive relief necessary at this stage of the case.

This Court has broad discretion to order expedited discovery. *See* Fed. R. Civ. P. 26(d)(1) (permitting court to allow discovery before the time specified under the rules); Fed. R. Civ. P. 33(b)(2) and 34(b)(2) (authorizing the Court to shorten the time within which a party must respond to interrogatories and requests for production of documents).

The narrowly-tailored discovery requests Analog seeks expedited treatment of are attached hereto as Exhibits A (document requests) and B (interrogatories). Analog asks that the Court order the following deadlines for that discovery:

ACTIVITY	PROPOSED DEADLINE(S)
<b>MACOM's Objections and Written Responses to Analog's Expedited Discovery Requests</b>	Two weeks from service of the discovery, on or before July 13, 2018
<b>Production of Documents by MACOM in Response to Expedited Discovery Requests</b>	Four weeks from service of the discovery, on or before July 27, 2018

At the August 6, 2018 Scheduling Conference, with Defendants' responses to this discovery in-hand, the parties will better be able to address what additional discovery is needed (e.g., a 30(b)(6) deposition of MACOM, and/or 30(b)(1) depositions of the departed Analog employees now working for MACOM), as well as a schedule for supplemental briefing and argument of Analog's Motion for Preliminary Injunction.

**WHEREFORE**, Analog respectfully requests that the Court grant its Motion for Expedited Discovery as sought herein.

### **REQUEST FOR ORAL ARGUMENT**

Analog seeks oral argument on the present motion.

Dated: June 29, 2018

Respectfully submitted,

**ANALOG DEVICES, INC. and  
HITTITE MICROWAVE LLC**

By their attorneys,

*/s/ Steven M. Bauer*

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**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rules 7.1(a)(2) and 37.1(a), I hereby certify that Analog's counsel met and conferred in good faith with counsel for Defendants MACOM Technology Solutions Holdings, Inc. and MACOM Technology Solutions Inc. to resolve or narrow the issues presented in this motion.

/s/ Steven M. Bauer  
Steven M. Bauer

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on June 29, 2018.

/s/ Steven M. Bauer

Steven M. Bauer